



beaven01.002

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(beaven01.002)

5 **Applicant:** Douglas F. Beaven, et al. **Paper No.:**

 Application No: 10/765,424 **Group Art Unit:** 3623

 Filed: 1/27/04 **Examiner:** Krisciunas, Linda Mary
10 **Title:** *System for performing collaborative tasks*

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15 Commissioner for Patents
 Alexandria, VA 22313-1450

Submission accompanying an RCE under 37 C.F.R. 1.114(c)

Summary of prosecution

In a first Office action mailed 11/07/2005, Examiner rejected claims 1, 3, 4, 12-14, 17, 24, 25, 27, and 35 on the grounds that they use the term “perceive”, which is a relative term and renders the claims indefinite. Examiner rejected claims 1-26 and 30-36 as being anticipated by Knoth, Tools for a collaborative World, Computer Aided Engineering, April 1997, 9.40-47. Examiner found that claims 27-29 addressed allowable subject matter but objected to the claims as being dependent from rejected claims.

Applicants responded to the Office action of 11/7/2005 on 1/27/2006 by amending claim 1 so that it included all of the limitations of unamended claims 1, 12, 26, and 27, canceling claims 30-37, and canceling claims 12, 14-23, 26, and 27 and altering the dependencies of the other claims as required by the amendment to claim 1. In making this amendment, Applicants were responding to their business need to get allowed claims in a timely fashion and were not conceding that the Knoth reference anticipates claims 1-26 and 30-36. Applicants further expressly reserved the right to file a divisional application containing claims having broader claims than the ones resulting from the amendments of 1/27/06.

After Applicants filed their response of 1/27/06, the application was assigned to a new Examiner, who is also examining the parent of the present application, USSN 09/312,740, Beaven, *Processing management information*, filed 5/14/99. The present application is a CIP of USSN 09/312,740.

On 3/10/2006, Examiner mailed a final Office action in the above application which provisionally rejected claims 1-7 and 10 on the grounds of nonstatutory double patenting over claims 187, 189-190, and 192-196 of USSN 09/312,370, rejected claims 1, 3-4, 13, and 24-25 under 35 U.S.C. 112, second paragraph because the term "observe" is a relative term which renders the claims indefinite, and rejected Claims 1-11, 13, 24-25, and 28-29 under 35 U.S.C. 102(b) as anticipated by Knoth. Applicants amended claims 1, 3-4, 13, and 24-25 to overcome the rejection under 35 U.S.C. 112 and are traversing the rejections under 35 U.S.C. 102(b).

Applicants requested that Examiner withdraw the finality of the rejection in the present application to consider a new reference, USSN 6,442,557, Buteau, et al., *Evaluation of enterprise architecture model including relational database*, filed 2/27/98 (henceforth "Buteau"), which Examiner cited against USSN 09/312,370. Buteau is clearly far more relevant to Applicants' claims than is Knoth. Applicants included an IDS for the Buteau reference and a discussion of why Buteau does not anticipate Applicants' claims. Examiner issued an advisory action on 6/22/06 in which she refused to withdraw the finality of the rejection and indicated that the claims as amended raised new issues and consequently would not be entered.

Applicants are using the present RCE and the parallel RCE in USSN 09/312,370 to rationalize the claims in the parent and the CIP and thereby to overcome the double patenting rejection. The RCE in USSN 09/312,370 presently contains generic claims to the invention; the claims in the present RCE have been amended to address the species of the invention disclosed in the added portions of the CIP. The *Remarks* following the claims will demonstrate that the claims are patentable over the Knoth and Buteau references.